

## MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy #12: Prevention of Sexual Assault and Sexual Harassment  
(Change 1)

1. Summary. This memorandum establishes the Regiment's Policy on Prevention of Sexual Assault and Sexual Harassment. It reinforces the command's commitment to the Sexual Assault Prevention and Response Program, to eliminate sexual assault, and to eliminate sexual harassment.

2. Overview. Sexual Assault and Sexual Harassment are different offenses. This policy addresses both subjects to draw attention to the differences.

a. Sexual Assault is a crime defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim. "Consent" will not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, or coercion or when the victim is asleep, incapacitated, or unconscious. Sexual assault is punishable under the UCMJ and other federal and local civilian laws. Sexual assault is incompatible with Army values.

b. Sexual Harassment is a form of gender discrimination that involves unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. This includes using implicit or explicit sexual behavior to control or influence, or such conduct used by a person as a basis for career or employment decisions affecting this person and interferes with the individual's work performance or creates an intimidating, hostile or offensive working environment. Sexual Harassment is incompatible with Army values.

3. Policy Statements.

a. All Soldiers, family members, and civilian employees are entitled to work and live in an environment free from unsolicited and unwelcome sexual overtones and free from sexual assaults.

b. Anyone who is subject to acts of sexual harassment should make it clear that such behavior is offensive and unwelcome and immediately report the incident to the chain of command or alternative reporting agency.

c. Anyone who is the victim of a sexual assault should immediately report the incident to the chain of command or alternative reporting agency.

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d. Commanders and leaders in the 3d U.S. Infantry (The Old Guard) who witnesses or become aware of an incident of sexual harassment or sexual assault will immediately take appropriate action to address and report the behavior. Those who deliberately or negligently fail to correct such misconduct are condoning it and in violation of this policy.

e. Commanders will create a climate that minimizes sexual assault incidents, and if an incident should occur, ensure that victims and subjects are treated according to Army policy. This climate will encourage victims to report incidents of sexual assault without fear. Commanders and leaders in the 3d U.S. Infantry Regiment (The Old Guard) will treat all victims of sexual assault with dignity, fairness, and respect.

4. Compliance. I will consider punishing Soldiers or Army Civilians who fail to abide by this policy, intimidate victims or complainants, engage in discriminatory behaviors, sexual harassment, or sexual assault.

5. Procedures and Requirements.

a. Unit Victim Advocates (UVAs).

(1) I will appoint a regimental level UVA. This UVA will schedule, manage, and report to the RS1 the status of the required annual 40 hours of training for each unit UVA.

(2) Battalion Commanders will appoint on orders a primary and alternate UVA in the rank of SSG/1LT/CW2 or higher. They will ensure these Soldiers maintain their certification by participating in the required 40 hours of annual training.

(3) Company commanders will:

(a) Appoint a company level UVA in the rank of SSG/1LT/CW2 or higher. They will ensure the UVA's picture and contact information is displayed on a unit bulletin board.

(b) Conduct the annual training for their company required by AR 600-20.

b. Sexual Assault.

(1) Every leader will follow the procedures outlined in AR 600-20 when dealing with any incident or allegation of sexual assault, reporting the incident within 24 hours.

(2) Commanders will conduct unit level Sexual Assault Prevention and Response training annually.

(a) This training will not be merely an extension of sexual harassment training. Trainers will clarify the differences between harassment and assault, identifying those dynamics that are unique to sexual assault.

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(b) Annual training will also include victim's rights and the available resources to support victims.

c. Sexual Harassment.

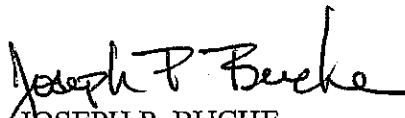
(1) Every leader will follow the procedures outlined in AR 600-20 when dealing with any complaint of sexual harassment.

(2) Commanders will conduct prevention of sexual harassment education and training bi-annually.

(3) Soldiers or Family members may initiate complaints using the following channels: chain of command, Equal Opportunity Advisor or Leader, Inspector General, Chaplain, Provost Marshal/Criminal Investigation Command (CID), medical agencies, Staff Judge Advocate, and housing referral office.

(4) Commanders will report sexual harassment complaints to the Regimental Equal Opportunity Advisor within 48 hours of the incident and provide status reports every 7 days until the complaint is resolved.

6. Staff Proponent: The proponent for this policy is the Regimental S1 at 696-3003. The Regimental Unit Victim Advocate is SFC Newton at 703-965-7659, or [rodgerlee.newton@conus.army.mil](mailto:rodgerlee.newton@conus.army.mil). The Regimental Equal Opportunity Advisor is SFC Kingsland, 703-696-0801, [charles.kingslee@conus.army.mil](mailto:charles.kingslee@conus.army.mil).

  
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